

**FIFTH SUPPLEMENTAL INTERLOCAL CONTRACT FOR CONSTRUCTION OF
GOWAN NORTH SYSTEM – PHASE III
(ALEXANDER ROAD TO LONE MOUNTAIN ROAD)**

THIS FIFTH SUPPLEMENTAL INTERLOCAL CONTRACT, made and entered into as of the 11th day of January, 2007 by and between the Clark County Regional Flood Control District, hereinafter referred to as “DISTRICT” and the City of Las Vegas, hereinafter referred to as “CITY”.

WITNESSETH

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and

WHEREAS, the flood control improvements proposed herein are the same as those generally identified in the 2002 Master Plan, Structure No. GONO 0117, 0181 and 0183 hereinafter referred to as “PROJECT”; and

WHEREAS, the PROJECT is identified and shown on the attached Exhibit “A”; and

WHEREAS, the PROJECT has been approved by the DISTRICT on its Ten Year Construction Program; and

WHEREAS, the DISTRICT entered into an Entity Advance Funding Interlocal Contract for construction, construction management and FEMA Letter of Map Revision on July 11, 2002, a First Supplemental Interlocal Contract on August 14, 2003 which changed the funding source from the City to the District, a Second Supplemental Interlocal Contract dated May 20, 2004 to increase funding due the bid being higher than the engineer’s estimate, a Third Supplemental Interlocal

Contract dated April 14, 2005 to increase construction funding and a Fourth Supplemental Interlocal Contract dated November 10, 2005 to extend the date of completion; and

WHEREAS, the CITY wishes to extend the completion date; and

WHEREAS, on June 14, 2001, the Board approved the PROJECT and set a priority for funding; and

WHEREAS, the DISTRICT entered into an Entity Advance Funding Interlocal Contract for construction, construction management, and FEMA Letter of Map Revision on July 11, 2002; and

WHEREAS, the DISTRICT now has sufficient funds for this PROJECT and is able to meet its obligation to fully fund the PROJECT; and

WHEREAS, the PROJECT has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley; and

NOW, THEREFORE, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the CITY agree to the following:

SECTION III – GENERAL, paragraphs 10 and 15 shall be revised to read as follows:

10. The DISTRICT will pay the CITY, or make payment directly to its contractor or its consultant, each month for project costs as outlined in SECTION II - PROJECT COSTS.

Invoices must identify and allocate all costs to the categories noted below:

- a. Right-of-Way acquisition including appraisals, title and escrow, negotiations, legal fees, recording fees, etc.
- b. Predesign Engineering (all work prior to design, excluding right-of-way)

- c. Design Engineering
 - d. Construction Engineering
 - e. Construction (all work after award of construction contract)
 - f. Environmental: costs incurred by the Lead Entity for the preparation of environmental documentation applicable to the project and costs incurred for the implementation of mitigation measures provided in an environmental document (e.g., EIS OR EA)
 - g. Other including landscaping, flood insurance rate map amendments or revisions, etc.
15. The items covered in SECTION II – PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to December 31, 2008. The DISTRICT may, at any time thereafter, grant extensions or terminate this Contract after thirty (30) days notice.

The remainder of the original Interlocal Contract dated July 11, 2002, and Supplemental Interlocal Contracts dated August 14, 2003, May 20, 2004, April 14, 2005 and November 10, 2005 shall remain unchanged.

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In WITNESS WHEREOF, this Fifth Supplemental Interlocal Contract is hereby executed as of the date first set forth above.

Date of District Action:

REGIONAL FLOOD CONTROL DISTRICT

January 11, 2007
ATTEST
Jean Bell for
CAROLYN FRAZIER
SECRETARY TO THE BOARD

BY: Lawrence L. Brown III
LAWRENCE L. BROWN III, CHAIRMAN

Approved as to Form:

Chr Figgins
CHRISTOPHER FIGGINS
CHIEF DEPUTY DISTRICT ATTORNEY

DATE OF COUNCIL ACTION:

CITY OF LAS VEGAS

January 17, 2007
ATTEST

BY: Oscar B. Goodman
OSCAR B. GOODMAN, MAYOR

Beverly K. Bridges
By: Beverly K. Bridges, CMC
Approved as to Form
Acting City Clerk

Thomas R. Green 2/9/07
DEPUTY CITY ATTORNEY
Thomas R. Green

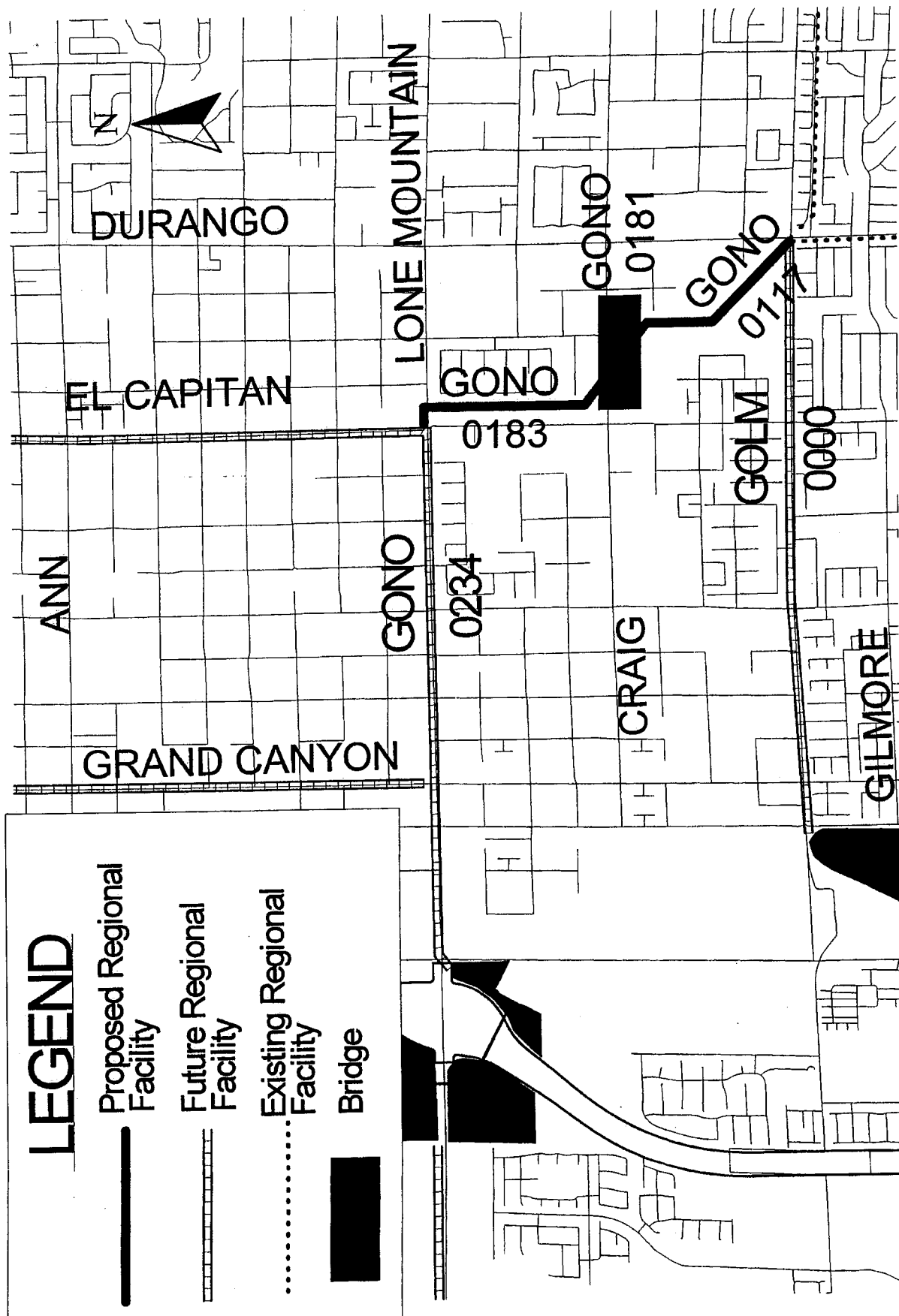


EXHIBIT A
 Gowan North System Phase III - (Alexander Road to Lone Mountain Road)